

Dear FCC,

Regarding the Matter of Digital Broadcast Copy Protection (FCC 02-231), it is my opinion that adding such requirements to future devices (tvs, vcrs, etc) will not serve the stated purpose. Any media which can be broadcast can be copied and retransmitted.

Jack Valenti once made the following comment, "The VCR is to the American film producer and the American public as the Boston Strangler is to the woman alone." In essence, he was saying that by allowing the use of recording devices by the public at large the movie industry would go bankrupt.

Now, over a decade later we can see the effect that the vcr has had on the movie industry. Millions (billions?) of dollars of vcr movies have been created which the public buys en mass. The movie industry has benefitted, not suffered, from the use of vcrs by the public.

Now we come to the digital age. The age of Tivo and other digital recording devices. Once again we are hearing that the use of such devices is killing the movie industry and to a lesser extent the broadcast community as a whole. Yet, no one has ever been able to conclusively show that the use of digital recording devices is in any way impacting the bottom line of movie studios. In fact, sales of DVDs are skyrocketing as more people are trading in their vcrs for the new devices.

If one looks at the RIAA and their claims that the internet has allowed for wholesale swapping of copyrighted music, they have yet to show that recording studios are suffering. If studios are suffering it is only due to the dearth of good songs to listen to. What is coming out of studios today is dull, boring, monotonous and with very few exceptions, without any quality at all. That is why sales are down, if they truly are down, not because people are swapping music via the internet.

Now we come to crux of the matter. Forcing manufacturers of tvs and other devices to include digital broadcast copy protection is not going to stop those who truly want to copy material and reproduce it. Those of us, myself included, who simply want to record a show for later use and maybe show friends and family at an even later date, will be affected since our right, as the FCC has indicated in prior rulings, to record shows which we have paid for, will be hindered if not stopped all together.

The vast majority of the people who record shows do so for their benefit only. Maybe they are watching one show on one channel while recording another show at the same time on another channel. Maybe they will be out for the evening and don't want to miss the episode. Whatever the case, they are recording the show for themselves only. They are not having movie marathons for the whole neighborhood, charging people \$1 per person to watch the movie.

The wild, fanciful rantings of the RIAA, MPAA and others, including Phil Lelyveld, an attorney for Disney, should be taken just as they are. Rantings. Every movie studio, recording studio and everyone else associated with the entertainment industry has significantly benefitted from the use of recording devices. To now say that we as the public can no longer record any show we want because an extremely small minority might rebroadcast the higher quality of digital broadcasts for their benefit, or no benefit at all, is essentially saying that we the public, who pay to watch tv shows and movies no longer have any rights to that which we have paid for.

Finally, since this implementation will be using software and hardware, someone, somewhere, will eventually be able to find a way around this restriction and then disseminate this workaround to others, thus defeating the whole purpose of preventing people recording that which they have paid for.

I strongly urge the FCC not to adopt the proposed rule regarding Digital Broadcast Copy Protection. It will not serve the purpose indicated and will in fact harm the consumer by not allowing them access to that which they have paid for.

Thank you for your time and consideration in this matter.